

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF	)	
KENTUCKY, INC. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT AN	)	
ADDITIONAL CELL FACILITY IN THE	)	CASE NO. 95-031
LOUISVILLE, KENTUCKY METROPOLITAN	)	
STATISTICAL AREA (BROWNSBORO ROAD)	)	
CELL FACILITY)	)	

O R D E R

On February 9, 1995, the Commission received the attached letters from Nancy O. Moser and Henry M. Potter. Ms. Moser and Mr. Potter either own or occupy property within 500 feet of the proposed cellular telecommunications facility to be located at 1913 Rudy Lane, Louisville, Jefferson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Contel Cellular of Kentucky, Inc. ("Contel Cellular") shall respond to Ms. Moser's and Mr. Potter's concerns by certified letter, within 10 days of the date of this Order.


2. Contel Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 15th day of February, 1995.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION

  
For the Commission

RECEIVED

FEB 09 1995

PUBLIC SERVICE  
COMMISSION

5911 Apache Road  
Louisville, KY 40207  
February 7, 1995

Mr. Don Mills  
Public Service Commission of Kentucky  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

Dear Mr. Mills,

I am writing you regarding Case No. 95-031. I have decided to protest the construction of a monopole with attached antennas by Contel Cellular of Kentucky, Inc. within a 500' radius of my home. I am concerned that these antennas could emit harmful rays. Since there is no conclusive proof as to whether or not it is dangerous to live near this kind of pole and antennas, I prefer not to take the chance. Therefore, I would like to intervene in this proceeding.

Thank you for your time and attention.

Yours truly,

*Nancy C. Moser*

Nancy C. Moser  
5911 Apache Road  
Louisville, KY 40207

February 8, 1995

**POTTER & COX**  
ARCHITECTS

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

**RECEIVED**

**FEB 09 1995**

RE: Kentucky Case No. 95-031

PLANNING AND ZONING  
COMMISSION

Gentlemen:

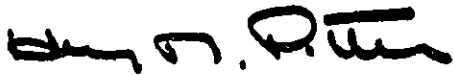
I am in receipt of the enclosed letter dated February 3, 1995 from McBrayer, McGinnis, Leslie & Kirkland regarding the proposed Cellular One tower at 1913 Rudy Lane. I am the president of Rudy Lane Incorporated, owner of the adjacent ten-acre property. I purchased this property in December of 1993 for the purpose of developing fifty-six upscale dwelling units. The adjoining property, when presented before the Planning and Zoning Commission for its district development plan, proposed office condominium use and made no mention of any such tower facility.

When my district development plan was approved, the Planning Commission required me to inform our potential buyers of the intended use of the adjacent property as office condominium use, which I have done. Our proposed development is a 10.5 million dollar project and to date I have secured contracts for twelve units for approximately two million dollars. Our buyers have relied upon our statements as to the proposed use of the adjacent property as office condominiums in making their decisions to purchase. This proposed tower is immediately adjacent to our property and would be a deterrent to our development. I believe this is an inappropriate location for such a structure given the immediacy of single family residential dwellings and I would propose to take whatever actions are necessary to prevent the inclusion of this tower in the adjoining property.

Executive Director's Office  
Public Service Commission of Kentucky  
February 8, 1995  
Page Two

I am, by copy of this letter, requesting Mr. Glenn Price of Greenebaum, Doll & McDonald to act on my behalf and I would appreciate any future correspondence be directed to his office with a copy to me. I appreciate your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Henry M. Potter". The signature is stylized with a large, looped "P" and a trailing flourish.

Henry M. Potter, AIA  
President - Rudy Lane Inc.

HMP/mjg

Enclosure

cc: Mr. Glenn Price Jr., Greenebaum, Doll & McDonald  
Mr. Robert Murphy, Mayor City of Winding Falls  
Ms. Minx Auerbach, Planning & Zoning Commission  
Residents: 5906 Hickman Court  
5911 Apache Road  
5914 Apache Road  
1916 Rudy Lane

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND**

163 WEST SHORT STREET  
SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-8818

REAL ESTATE FAX 606-255-9777

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES O. AHATO  
GEORGE D. GREGORY \*\*  
FRED E. (BO) PUGAZZI, JR.  
W. BRENT RICE  
JAMES H. PRAZIER, III  
DENNIS J. CONNIFF  
JOHN G. IRVIN, JR.  
MEGAN LAKE THORNTON  
CHRISTOPHER M. HILL  
LISA ENGLISH HORD  
WILLIAM R. PALMER, JR.  
BRUCE W. MAGDONALD \*  
THOMAS C. LYONS  
D. BARRY STILE  
CHERYL H. ANDERSON  
MARY WIS ESTES  
SUSAN PUGH CHAPLIN  
LUKE BENTLEY III  
MATTHEW W. BREETS  
JULIA P. COSTICH  
CHARLES C. SINMS, III  
R. STEPHEN MCGINNIS  
JON A. WOODALL

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO

WATSON CLAY (1906-1988)  
OSCAR BANNONE (1906-1988)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-8003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
606-223-1200  
FACSIMILE 606-227-7388

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
FRANKFORT OFFICE

February 3, 1995

**RECEIVED**

FEB 09 1995

PUBLIC SERVICE  
COMMISSION

Henry M. Potter  
800 Meldinger Tower  
Louisville, KY 40202

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 95-031**

Dear Mr. Potter:

This letter is to inform you that Contel Cellular of Kentucky, Inc., which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 125' monopole with attached antennas extending upwards for a total height of 138' and an equipment shelter to be located at 1913 Rudy Lane, Louisville, Jefferson County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own or use property that is located within a 500' radius of the proposed monopole.

The Commission invites your comments regarding the proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 95-031 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for Contel Cellular of  
Kentucky, Inc.

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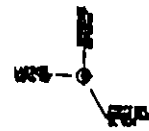
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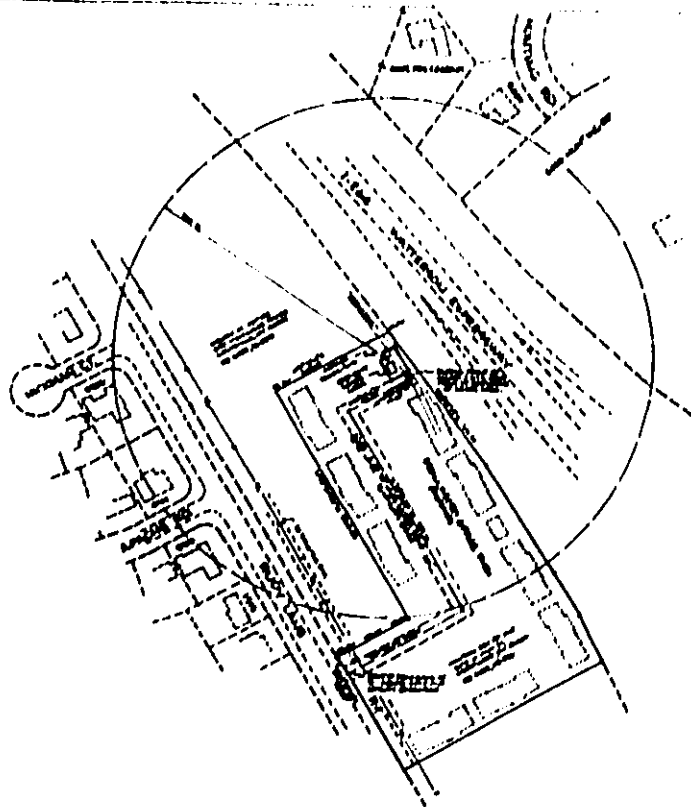
POTTER AND COX ARCHITECTS



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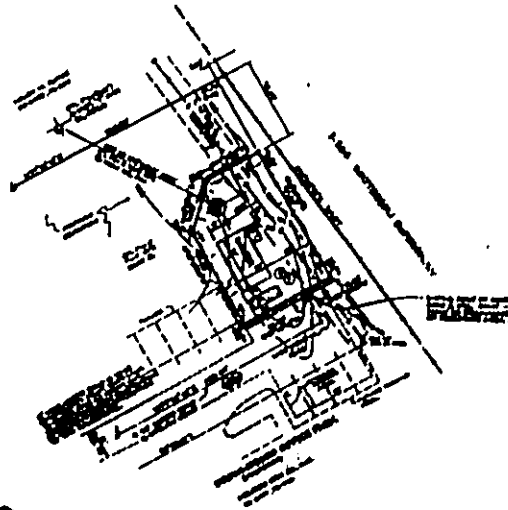


PROPOSED

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PLANNING COMMISSION



SEE DETAIL PLAN

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